

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

AARON D. LAWRENCE,

Plaintiff,

v.

Case No. 08-C-108

GEORGE M. GRBICH, JR. and JOHN L. CASTOR,

Defendants.

ORDER

The plaintiff, who is proceeding *pro se*, lodged a complaint alleging that his civil rights were violated. In an order dated July 3, 2008, the court granted the plaintiff's petition to proceed *in forma pauperis*. In the same order, the court gave the plaintiff an opportunity to amend his complaint before it is evaluated under 28 U.S.C. § 1915(e)(2). On July 11, 2008, the plaintiff filed a motion to amend complaint, which is now before the court.

In its July 3, 2008 Order, the court instructed the plaintiff as follows:

The plaintiff may file an amended complaint within 30 days of the date of service of this order if he can cure the defects in the complaint by setting forth the parties and allegations with greater specificity. The amended complaint must bear the docket number assigned to this case and must be labeled "Amended Complaint." **The amended complaint must be complete in itself without reference to any prior pleadings.** The plaintiff must file an original and two copies of the amended complaint.

(Emphasis added.) The plaintiff's motion to amend complaint proposes to amend his January 29, 2008 Complaint to add six new defendants. It contains no other information or allegations and fails to set forth the plaintiff's claims. The plaintiff's motion does not comply with the court's July 3, 2008 Order.

The court will give the plaintiff one more opportunity to file a comprehensive amended complaint setting forth all of his claims against all defendants. The court's earlier instructions, quoted above, must be followed. If the plaintiff's amended complaint is deficient, or if the plaintiff chooses not to file an amended complaint within 30 days of the date of this order, the court will evaluate the complaint the plaintiff filed on January 29, 2008, in light of 28 U.S.C. § 1915(e)(2).

The plaintiff is advised that because an amended complaint supersedes a prior complaint, any matters not set forth in the amended complaint are then, in effect, withdrawn. See *Duda v. Bd. of Educ. Of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1056 (7th Cir. 1998).

Accordingly,

IT IS ORDERED that the plaintiff has leave to file an amended complaint within thirty (30) days of the date of this order.

IT IS FURTHER ORDERED that if the plaintiff does not file an amended complaint within thirty (30) days of the date of this order, this court will evaluate the plaintiff's complaint filed January 29, 2008, pursuant to 28 U.S.C. § 1915(e)(2).

Dated at Milwaukee, Wisconsin, this 25th day of July, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge